

Abstract

Discharge of debts of spouses

This thesis deals with in these days very current issue of discharge of debts of spouses. During the effectiveness of the discharges of debts regulation in Czech laws the social development continues. This development brings also a new phenomenon – a huge indebtedness of natural persons (not self-employed persons) respectively households in the Czech Republic. In spite of the fact the problematic regulation of discharge of debts of spouses is being subject to many amendments, the outcome of them was not always satisfactory. The aim of this thesis is to introduce the institute of discharge of debts of spouses, to point out the imperfections of the regulation, to provide its comparison to foreign regulations and to phrase potential amendments of the particular problematic provisions.

The thesis is divided into four separate chapters. Chapter one focuses on theoretical basis of the issue in the wide scope of insolvency law and also introduces actual indebtedness of the Czech households that gives rise to legal regulation of discharge of debts. Also it summarizes the regulation of joint marital property in the Czech law which may cause several problems when applying the debt forgiveness regulation on married persons. The first chapter comprises the ground for the following chapters of the thesis.

Chapter two complexly considers the regulation of common debt forgiveness of spouses. Its beginning focuses on genesis of the regulation that was based on many important court decisions and provides a summary of the problems related to the historical legal rules related to the theme of this thesis. The chapter analysis individual components of the rule and refers to questionable issues that should be resolved by amending the insolvency act.

Chapter three analyses the discharge of debts of spouses legal regulations contained in the foreign insolvency acts – Germany and Slovakia – and introduces in necessary extent the regulation of joint marital property in those two foreign jurisdictions. In the chapter the thesis complexly compares the Czech legal rules regarding the matter with the two foreign ones.

Chapter four derives the findings from the previous chapters and tries to propose a solution of the deficiencies of the Czech regulation of the issue. The proposed solutions are based on the foreign regulations and also on the current proposal of the acts that are subjects

to a legislative process. Also it explains the potential obstacles that may appear during amending the insolvency act.

The conclusion sums up the findings of the thesis and evaluates the fulfilment of the aims set in the introduction part of the thesis.